DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Nobel (Pub. # 20040131190) in view of Chida ('041).

Regarding claim 1, Nobel (Pub. # 20040131190) discloses a fax-aware internet

protocol phone (communication device, **See Figure 1, Element 102**) for handling a

facsimile transmission over a computer network (handling a fax over the communication

media, **See Page 2, Paragraph 0025**), which includes a facsimile processing unit

(embedded within the device) for handling a facsimile call (receiving fax data, **See Page

2, Paragraph 0028**), a voice processing unit (embedded within the device) operably

connected to the facsimile processing unit for handling a voice call (receiving voice

data, **See Page 2, Paragraph 0025**), a memory unit (embedded within the device) for

storing information (**See Page 2, Paragraph 0027**), a file transfer protocol client (FTP)

for transferring facsimile transmission to a computer network (communicating through

the Internet, **See Page 2, Paragraph 0029**) such that the device handles the facsimile

call and the voice call together over a single line from the computer network (exchange

data over the same telephone communications link, **See Page 2, Paragraph 0025**).

Nobel (Pub. # 20040131190) does disclose a memory unit, but does not disclose

that it stores the incoming facsimile transmission as well as the incoming facsimile

transmission is generated by a network aware facsimile device, the fax-aware internet

protocol phone recognizes the transmission and locally generates a signal for a user to

distinguish an incoming call from a facsimile transmission.

Chida ('041) discloses storing the incoming facsimile transmission (**See Col. 6,**

Line 45-46) as well as receiving an incoming facsimile transmission by a network aware

facsimile (receives facsimile data from a remote facsimile, **See Col. 6, Line 44-46**), the

device recognizes the incoming transmission and locally generates a signal for a user to

distinguish an incoming call from a facsimile transmission (whenever it is determined

that the incoming signal is a calling signal, a calling tone is produced locally for the user

to distinguish, **See Col. 6, Line 26-28**, else the control section recognizes the signal

transmitted from the remote facsimile is a CNG signal and performs the fax reception,

See Col. 6, Line 38-43).

It would have been obvious to one of ordinary skill in the art at the time of the

invention by the applicant to include storing the incoming facsimile transmission as well

as locally generating a signal for a user, such as the one disclosed within Chida ('041),

and incorporate it into the device of Nobel (Pub. # 20040131190) because it allows the

machine to store the incoming data until the transmission is complete, which prevents

any of the incoming data from being lost, and generating a tone locally allows the user

to know which signal is incoming so that the device is able to correctly process the

incoming signal accordingly.

Regarding claim 4, Nobel (Pub. # 20040131190) discloses that the voice

processing unit may send or receive a voice call (communicate bi-directional real-time

voice data, **See Page 2, Paragraph 0025**) while the facsimile processing unit handles

the fax call (prints the fax data, **See Page 4, Paragraph 0050**).

Regarding claim 5, Nobel (Pub. # 20040131190) discloses that the incoming

facsimile transmission is generated by an analog fax machine (through the telephone

interface, **See Page 2, Paragraph 0029**).

Nobel (Pub. # 20040131190) does not disclose searching for a CNG tone and

store the incoming transmission whenever it is recognized.

Chida ('041) discloses searching for a CNG tone in the incoming transmission

(receiving a CNG signal from a remote facsimile, **See Col. 6, Line 38-40**), and store the

incoming fax once it is detected (**See Col. 6, Line 45-46**).

It would have been obvious to one of ordinary skill in the art at the time of the

invention by the applicant to include a CNG tone, such as the one disclosed within

Chida ('041), and incorporate it into the device of Nobel (Pub. # 20040131190) because

it allows the device to correctly detect the type of calling tone incoming in order to

process the received data accordingly.

Regarding claim 7, Nobel (Pub. # 20040131190) discloses that the computer

network transmits the fax call and voice call using the Internet protocol (using the IP

address and other information for the receiving device, **See Page 2, Paragraph 0029**).

Regarding claim 8, Nobel (Pub. # 20040131190) discloses a printer driver (i.e.,

noted that the communication device as shown in **Figure 2** includes a printer for

outputting information received, thus, it is clear that the printer within the communication

device must have a printer driver to decode and output the information received. In

view of this, the "printer driver" is an inherent feature within the communication device

disclosed by Nobel; **See Paragraphs 0026, 0027, 0050**) for printing a fax transmission

received by the fax-aware telephone (output the document, **See Page 6, Paragraph

0050**, received by the communication device, **See Page 2, Paragraph 0028**).

Claims 2-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Nobel (Pub. # 20040131190) in view of Chida ('041) as applied to claim 1, and

further in view of Kulakowski (Pub. # 20040100648).

Regarding claim 2, Nobel (Pub. # 20040131190) does not disclose a faxmail unit

that temporarily stores the incoming facsimile transmission prior to printing.

Kulakowski (Pub. # 20040100648) discloses receiving the incoming fax

message, storing it in memory until the transfer is complete (**See Page 5, Paragraph

0041**), and output it to a printer once the received fax transmission is complete (**See

Page 7, Paragraph 0061**).

It would have been obvious to one of ordinary skill in the art at the time of the

invention by the applicant to store the incoming fax data, such as the one disclosed

within Kulakowski (Pub. # 20040100648), and incorporate it into the device of Nobel

(Pub. # 20040131190) because it allows the device to receive the whole document,

which prevents any of the incoming data from being lost

Regarding claim 3, Nobel (Pub. # 20040131190) does not disclose an alert signal to designate the reception of the incoming facsimile transmission.

Kulakowski (Pub. # 20040100648) discloses receiving a ring signal that alerts the transmission of incoming facsimile data (**See Page 7, Paragraph 0061**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a signal, such as the one disclosed within Kulakowski (Pub. # 20040100648), and incorporate it into the device of Nobel (Pub. # 20040131190) because it allows the user to be notified that a fax message is arriving.

Regarding claim 9, Nobel (Pub. # 20040131190) does not disclose providing a hangover time during reception of a call and automatically receive the fax transmission in the memory after it is detected during the hangover time.

Kulakowski (Pub. # 20040100648) discloses a hangover (detection) time during reception of a call (detect the calling tone, **See Page 7, Paragraph 0061**) and automatically receive the fax transmission into memory once detected (once determined what type is being sent, the received fax data is stored in memory, **See Page 7, Paragraph 0061**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a hangover, or detection, time, such as the one disclosed within Kulakowski (Pub. # 20040100648), and incorporate it into the device of Nobel (Pub. # 20040131190) because it allows the device to correctly detect the type of ring signal incoming in order to process the received data accordingly.

Response to Arguments

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new grounds of rejection. Thus, the prior art of Chida is used in combination with Nobel and is able to meet the limitations of the amended claims as disclosed within the rejection above.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is: Ichiki (Pub. # 20040196500), Krishnan ('950, Kogure ('908), and Creamer ('264).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-

8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30

P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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